

FILED

OCT 19 2005

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ROBERT ANTHONY MORENO, a/k/a
Weasel,

Defendant - Appellant.

No. 03-50502

D.C. No. CR-02-00671-AHM-02

MEMORANDUM^{*}

Appeal from the United States District Court
for the Central District of California
A. Howard Matz, District Judge, Presiding

Submitted October 11, 2005^{**}

Before: T.G. NELSON, WARDLAW, and TALLMAN, Circuit Judges.

Robert Anthony Moreno appeals from his conviction and the 256-month sentence imposed for conspiracy to commit bank robbery, in violation of 18 U.S.C.

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

§ 371, armed bank robbery, in violation of 18 U.S.C. § 2113(a)(d), and use of a firearm during a crime of violence, in violation of 18 U.S.C. § 924(c).

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), counsel for Moreno has filed a brief stating there are no grounds for relief, and a motion to withdraw as counsel of record. Moreno has not filed a pro se supplemental brief.

We have conducted an independent review of the record pursuant to *Penson v. Ohio*, 488 U.S. 75, 83 (1988). We affirm the conviction. We dismiss the appeal of the sentence in light of the valid appeal waiver. *See United States v. Nguyen*, 235 F.3d 1179, 1182 (9th Cir. 2000) (stating that an appeal waiver is valid when it is entered into knowingly and voluntarily); *see also United States v. Cardenas*, 405 F.3d 1046, 1048 (9th Cir. 2005) (holding that the changes in sentencing law imposed by *United States v. Booker*, 125 S. Ct. 738 (2005), did not render waiver of appeal involuntary and unknowing).

Counsel's motion to withdraw as counsel on appeal is granted.

The conviction is **AFFIRMED**; the appeal of the sentence is **DISMISSED**.